IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 3222 of 2005(C)

CRA.1105/2003 ADDITIONAL SESSIONS JUDGE (ADHOC II) ERNAKULAM
CC.461/2000 OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS, KOTHAMANGALAM.

REVN. PETITIONER: APPELLANT/ACCUSED:

PAULOSE,
PARTNER, MARIA CEMENTS, MATHA SHOPPING COMPLEX,
MAIN ROAD, TRIPUNITHURA.

BY ADV. SRI.JOSE KURIAKOSE (VILANGATTIL)
SRI.JOSEPH A.VADAKKEL

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE:
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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. M/S. GUJARAT AMBUJA CEMENTS LTD.,
REGD. OFFICE, POST AMBUJA NAGAR, TAL CODINAR,
DIST. AMRELI, GUJARAT AND BRANCH OFFICE AT 38/691,
SURABI ENCLAVE, S.A. ROAD, KOCHI-682 016,
REP. BY ITS GENERAL MANAGER SHRI V.VIJAYAN MENON.

R2 BY ADV. SRI.E.R.VENKATESWARAN
R1 BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 3222 OF 2005

Dated this the 30th day of November,2006

O R D E R

The petitioner was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo imprisonment for six months and was directed to pay a sum of Rs.1,54,000/- as compensation to the complainant under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation, to undergo simple imprisonment for two months. On appeal by the accused, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.A. No.11900 of 2006, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

Accordingly, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 11900 OF 2006

Dated this the 30th day of November,2006

O R D E R

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the second respondent/ complainant. It is stated that the matter is settled between the parties. Leave to compound the offence is sought for. Leave is granted and the application is allowed.

(K.T.SANKARAN)
Judge

ahz/